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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,229	02/11/2004	Greg Haber	BAB-2	9876
25881	7590	01/04/2006		
EPSTEIN DRANGEL BAZERMAN & JAMES, LLP 60 EAST 42ND STREET SUITE 820 NEW YORK, NY 10165			EXAMINER BOSWELL, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/775,229	Applicant(s) HABER, GREG	
	Examiner Christopher Boswell	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,9-12 and 19 is/are rejected.
- 7) ☒ Claim(s) 4-8 and 13-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 9-12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 3,270,536 to Sprung, in view of U.S. Patent Number 5,820,174 to Parikh et al.

Sprung discloses a latch (14) having a swinging member and a fixed part (22) proximate the door, the lock comprising a housing (16) with a front and a rear, attached to the swinging, a latch means comprising a hook (20), the latch means being mounted in the housing, for rotational movement about an axis, between a first position, wherein the hook engages the part to secure the door in the closed position and a second position wherein the hook is remote from the part such that the door can be opened, a latch rotation preventing member (26) linearly moveable relative to the housing, in a direction substantially parallel to the axis, between a forward position, remote from the path of movement of the latch means and a rear position, intersecting the path of the latch means, to retain the latch means in the first position. However, Sprung does not disclose means for biasing the member toward the rear position, as in claims 1 and 10. Parikh et al. teaches of a latching means having a hooked end, where the latching means is rotationally biased by a spring (130) in the same field of endeavor for the purpose of biasing the

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latching means to a latched position. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a spring, as taught by Parikh et al., between the member and the housing of Sprung in order to bias the member to the rear position.

Sprung also discloses means for locking (23) the member in the rear position, as in claim 2, wherein the locking means comprises a key actuated lock cylinder (column 2, lines 33-35) mounted for movement between a locked position and an unlocked position, as in claim 3, as well as a handle (19) accessible from the exterior of the housing and connected to rotate the latch means, as in claim 9.

Sprung further discloses a lock (14) for a vehicle having a door and a fixed part proximate the door (22), the lock comprising a housing (16) attached to the vehicle door and having a front and a rear, a latch means comprising a section (18), mounted within the housing and rotatable about an axis extending between the front and rear of the housing, and a hook (20), a handle (19) accessible from the front of the housing and connected to rotate the section along a path between a first position, wherein the hook engages the part to secure the vehicle door in the closed position and a second position, wherein the hook is remote from the part such that the door can be opened, a key actuated lock cylinder (23) mounted in the housing for movement between a locked position and an unlocked position, a member (26), operatively connected to the cylinder, linearly moveable relative to the housing in a direction substantially parallel to the axis about which the section rotates, between a forward position, remote from the path, and a rear position intersecting the path, as the cylinder moves between the unlocked position and the locked position. However, Sprung does not disclose means for biasing the member toward the

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rear position, as in claims 11 and 19. Parikh et al. teaches of a latching means having a hooked end, where the latching means is rotationally biased by a spring (130) in the same field of endeavor for the purpose of biasing the latching means to a latched position. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a spring, as taught by Parikh et al., between the member and the housing of Sprung in order to bias the member to the rear position.

Sprung additionally discloses means (24) operatively connecting the cylinder and the member, as in claim 12.

Allowable Subject Matter

Claims 4-8 and 13-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The claims are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that of the locking means having a linkage part connected to the lock cylinder for movement and having a cam surface thereon.

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to vehicle door latches:

U.S. Patent Number 5,024,473 to McQuade, U.S. Patent Number 4,691,541 to McQuade et al., U.S. Patent Number 4,508,296 to Clark, U.S. Patent Number 4,111,475 to McCormick et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB CB
December 21, 2005

A handwritten signature in black ink, appearing to read "Brian Glessner", with a long horizontal flourish extending to the right.

BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER